



Annotated Agenda

03/21/16

4. Consider Action on the Proposed Agreement w/ VT Gas re the Proposed Pipeline Crossing of Geprags Park

Guests: (1) None scheduled, though an audience of some size is expected.

Enclosures: (1) Proposed agreement between Hinesburg and Vermont Gas (from 2014)
(2) Vermont Gas-Geprags Easement Plan – Exhibit B of the Proposed Agreement
(3) Vermont Gas-Geprags Richmond and North Road Distribution Map – Exhibit E of the Proposed Agreement
(4) Stipulation Regarding Condemnation – as filed with the Public Service Board (the proposed agreement’s formal presentation in that process)
(5) Deed of Easment – as filed with the Public Service Board, often referred to as Exhibit C.

This item has been scheduled for nearly 90 minutes of the meeting; other items planned for the 21st have been moved to other nights to accommodate. The amount of time uses the two prior discussions (2/15 and 3/7) as a guide, and the schedule is malleable if the need arises.

The discussion should start with an overview of the proposed agreement. In order to cross Geprags Park, based upon restrictions tied to the conveyance of the property to the Town, Vermont Gas must utilize “eminent domain” to acquire rights to an area that may have been obtained via an easement otherwise. The proposed agreement specifies the terms under which the Town would not contest the eminent domain filing with the Public Service Board. To review, in brief, the proposed agreement:

- Requires Vermont Gas to extend its distribution infrastructure along Richmond Road to the intersection with North Road within two years. Vermont Gas has indicated that this extension, which offers another home heating option for more than 200 residences (including two of the three mobile home parks) may be completed prior to the next home heating season, depending on the disposition of the proposed agreement.
- Protects and restores the habitat of the golden winged warbler, including a prohibition on construction or other activities during the warbler's nesting season.
- Provides access to a low-income household discount.
- Provides access to efficiency programs as appropriate and allowable.
- Includes a one-time payment of \$75,000. No formal decision has been made on how to spend the funds.

Guidelines for discussion are listed below. The general idea is to provide a framework within which a discussion can occur in a fair, reasonable, and effective manner. Statute provides the ability to set reasonable rules of procedure (1 V.S.A. § 312 (h)).¹ All members of the public – resident and non-resident alike – must be governed by the same rules.

The proposed guidelines are:

¹ 1 V.S.A. § 312 (h) – “At an open meeting the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson. This subsection shall not apply to quasi-judicial proceedings.”

- Comments must have a bearing on the topic of discussion (i.e. the proposed agreement);
- Under no circumstances can any participant engage in a personal attack on anyone else in attendance. The topic of discussion, not the individual(s), is the subject of debate;
- All remarks from the public must be addressed to the Board, specifically the chair;
- Members of the public must first be recognized by the chair, and shall provide a full name and address (community of residence, not specific street or road);
- To the extent practicable, repetitive or dilatory commentary should be avoided;
- Participants are expected to be judicious with speaking time so that everyone may have an opportunity. Two minutes or less per person is preferred;
- Members of the public may be allowed to speak a second or subsequent time, provided that all who wish to speak have had at least one opportunity;
- No “blurting” or interrupting.

There is a petition effort underway calling for the proposed agreement to be voided. That petition may be presented during the meeting. Any petition presented would be advisory only.

Voiding the proposed agreement does not stop the pipeline, nor does it necessarily prohibit the pipeline’s crossing of Geprags Park. One possible result of voiding the agreement is that eminent domain proceedings continue with the Public Service Board and the pipeline crossing is approved without an agreement in place. The other possible outcome is a re-routing of the pipeline around the park, though the proposed Geprags Park crossing has been the publicly proposed route for nearly three years.

To the extent possible, discussion should be focused on the proposed agreement and its contents. The Public Service Board’s January 8th decision to, essentially, uphold the certificate of public good for the Addison Natural Gas Project constitutes State approval. The State, not the municipality, regulates and approves projects such as this. Construction is underway.

The proposed agreement has been publicly available for more than one month. A significant amount of the feedback received has focused on how the agreement is eventually implemented. Given the timing, and that construction activity would not occur in Geprags Park until the close of the warbler nesting season during the summer, there is an opportunity to address those concerns before construction begins.

The Selectboard can choose one of two options: ratify or void the proposed agreement. Renegotiation, while technically an option, is unlikely to result in additional “gains” for the Town.

Consider a motion to ratify the proposed agreement with Vermont Gas.

5. FY16 Budget Status Report and Discussion

Guests: (1) None.

Enclosures: (1) FY16 Budget Status Report for March (Monday)

If time allows, the intent is to review the budget status report. The goal is to use the second meeting of each month as an opportunity to check-in with the adopted budget and see what, if any, adjustments may need to be made.

Action is neither anticipated nor necessary.

6. Town Administrator’s Report

- a. *Aldrich and Elliot* – This item has been moved from 3/21 to Monday, 4/4.
- b. *Water and Wastewater Ordinance Changes* – This is scheduled for Monday, 3/28. The latest draft will be made available following edits and updates made during the 3/18 task force meeting.
- c. *“Two-and-Two”* – The table below is a two-minute look at the next two meetings.
- d. *Hinesburg Center Wastewater Allocation Denial and Discovery* – Staff is processing the tedious, voluminous, and often quizzical discovery requests presented by Brett Grabowski’s lawyer. Mr. Grabowski is challenging the Selectboard’s denial of a wastewater allocation for the second phase of his proposed Hinesburg Center project. The denial issued by the Selectboard last summer is included for review. Staff will have an update on the total costs of Mr. Grabowski’s legal challenges, violations, and other actions Monday night. This does not account for staff time along the way.

“Two-and-Two”	
<u>03/28/16</u>	<u>04/04/16</u>
<ul style="list-style-type: none"> ▪ Water and wastewater ordinance discussion, review. ▪ Interviews for Boards, Committees, and Commissions (Planning, Energy, Recreation). ▪ Board of Health (Lane/Gilman Road). ▪ Set Selectboard workshop/retreat date and agenda. 	<ul style="list-style-type: none"> ▪ Presentation of wastewater capacity study by Aldrich and Elliott. ▪ Water and wastewater ordinances (adopt). ▪ Amend old Police Station purchase and sale agreement (based on DRB review process, timing changes, etc.).
<p><i>To be determined:</i></p> <ul style="list-style-type: none"> ▪ Changes to the Animal Control Ordinance. ▪ Proposed zoning changes related to siting of solar facilities. ▪ Special meeting – to discuss water and wastewater ordinances (in between 3/28 and 4/4, if necessary only). 	